

Message Text

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70

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 NSCE-00

SSO-00 USIE-00 INRE-00 SAM-01 OMB-01 /055 W

----- 027716

O R 081525Z MAY 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 5642

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY LISBON

AMEMBASSY COPENHAGEN

AMEMBASSY STOCKHOLM

AMEMBASSY OSLO

US MISSION NATO 914

USEC BRUSSELS

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E.O.11652: N/A

TAGS: PINT, SP

SUBJECT: GOVT SEND DRAFT CONSTITUTIONAL CHANGES TO CORTES

REF: MADRID 3583

SUMMARY: GOVT AGREED ON FINAL TEXTS, (NOT PUBLISHED YET) ON DRAFT
CHANGES TO THREE CONSTITUTIONAL LAWS AND THEIRS IMMEDIATE SUBMISSION
TO CORTES MAY 7, LOWER HOUSE OF FUTURE CORTES TO HAVE
300 MEMBERS ELECTED BY UNIVERSAL SUFFRAGE, FUTURE
CORPORATE SENATE TO HAVE MAXIMUM OF 285 MEMBERS, 200 OF WHOM
WILL BE ELECTED BY UNIVERSAL SUFFRAGE FROM
CANDIDATES DESIGNATED BY LOCAL GOVT AND SYNDICAL ORGANIZATIONS.
THIS IS IMPROVEMENT OVER DRAFT CIRCULATED EARLIER THIS WEEK
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(REFTEL) BUT ISSUES OF COMPETENCE OF EACH HOUSE AND RESPONSIBILITY

OF GOVT TOWARD PARLIAMENTARY MAJORITY STILL UNCLEAR, CREATION OF NEW ECONOMIC AND SOCIAL MADE UP OF MANAGEMENT, LABOR AND GOVT REPS WITH CONSULTATIVE ROLE TOGETHER WITH SOME DEFINITION OF PRECEPTS FOR EXERCISE OF RIGHT OF PROFESSIONAL ASSOCIATION BY LABOR AND MANAGEMENT ARE SUBTLE SIGNS OF GOVT EFFORT TO BRING ABOUT REFORM IN SYNDICAL ORGANIZATION, END OF SUMMARY.

1. COUNCIL OF MINISTERS MEETING MAY 7 WAS HELD AGAINST BACKDROP OF WEEK LONG MEDIA DISCUSSION OF PURPORTED CONTENT OF CONSTITUTIONAL REFORMS (REFTEL). FOLLOWING THE MEETING OF THE COUNCILS DECISIONS BUT DID NOT PROVIDE TEXTS OF PROPOSED CONSTITUTIONAL CHANGES COUNCIL APPROVED FINAL LANGUAGE OF THE LATTER AND DECIDED TO SEND THEM TO THE CORTES FOR DISCUSFVRN AND APPROVAL BEFORE BEING SUBMITTED FOR REFERENDUM. THERE WILL BE A PRIOR PERHAPS HEATED DISCUSSION IN THE NATIONAL COUNCIL.

2. OF THE THREE CONSTITUTIONAL LAWS FOR WHICH AMENDMENTS HAVE BEEN PRTPROPOSED ORGANIC LAW OF THE STATE, CONSTITUTIVE LAW OF THE CORTES, AND THE LAW OF SUCCESSION THE MINISTER OF INFORMATION AND TOURISM ONLY DESCRIBED THE SALIENT FRATURURES OF THE FIRST TWO. THE NEW BICAMERAL LEGISTLAURE WILL CONSIST OF A CONGRESS OF DEPUTIES AND SENATE WHOSE LEGISTATIVE PREROGATIVES WILL BE DEFINED IN A SEPARATE LAW. ALTHOUGH MINISTER SAID THAT EACH WOULD HAVE SEPARATE FIELD OF PARLIAMENTARY INITIATIVE. THE CONGRESS WILL HAVE 300 MEMBERS ELECTED BY UNIVERSAL SUFFRAGE ON THE BASIS OF ELECTORAL LISTS OF ALL CITIZENS WHO HAVE REACHED THEIR MAJORITY. EACH PROVINCE WILL HAVE A MINIMUM OF TWO DEPUTIES AND THE REMAINDER (200) WILL APPORTIONED ON THE BASIS OF ONE FOR EACH 175,000 INHABITANTS.

3. THE SENATE WILL HAVE A MAXIMUM OF 285 MEMBERS 200 OF WHOM WILL BE ELECTED BY UNIVERSAL SUFFRAGE FOUR FOR EACH PROVINCE ON THE BASIS OF NOMINATIONS SUBMITTED BY LOCAL GOVT AND SYNDICAL ORGANIZATIONS 40 PERMANENT SENATORS PRESUMABLY THE 40 PERMANENT MEMBERS IN THE PRESENT NATIONAL COUNCIL, 25 SENATORS NAMED BY THE KING FOR EACH LEGISTLATURE, AND 20 SENATORS ELECTED BY PROFESSIONAL ASSOCIATIONS.

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4. COUNCIL OF THE REALM WILL INCLUDE AN UNSPECIFIED NUMBER OF DEPUTIES AND SENATORS. A NEW TRIBUNAL OF CONCTITUTIONAL GUARANTEES WILL BE SET UP WHOSE MAJOR ATTRIBURE WILL BE THE HEARING OF CLAIMS OF UNCONSTITUTIONAL. (THIS FUNCTION IS CURRENTLY A PREROGATIVE OF THE NATIONAL COUNSEL.) THE PROSPOAL ALSO INCLUDES THE CREATION OF AN ECONOMIC AND SOCIAL COUNCIL MADE UP OF REPRESENTATIVE OF MANAGEMENT, LABOR AND GOVT WHICH IS TO HAVE CONSULATATIVE POWERS, AS WELL AS SOME LANGUAGE

DESCRIBING THE PRECEPTS GUARANTEEING THE EXERCISE OF THE RIGHT
OF PROFESSIONAL ASSOCIATION FOR BOTH MANAGEMENT AND LABOR TO PROTECT
THEIR RESPECTIVE INTERESTS.

5. COMMENT. THE LOWER HOUSE IS DESIGNED ALONG THE NORMAL
PARLIAMENTARY LINES AND REPRESENTS A VAST CHANGE FROM
THE FRANCO ERA. THOUGH THE KEY TECHNICAL ISSUE OF
HOW TO ELECT DEPUTIES (E.G. BY PROPORTIONAL
LIST OR BY SINGLE MEMBER DISTRICT, ETC)
APPARENTLY REMAIN FOR DECISION IN THE PENDING ELECTORAL
LAW. THE SENATE'S COMPOSITION IS CORPORATE, A
CONCESSION TO CONTINUITY WITH THE FRANCO ERA. BUT
REPRESENTS AN IMPROVEMENT OVER THE VERSIONS CIRCULATED
LAST WEEK. (REF) WE UNDERSTAND THAT GOVERNMENT REFORMERS
A BATTLE DURING THE WEEK TO SUBSTITUTE ELECTION
BY SOME FORM OF UNIVERSAL SUFFRAGE IN RESPECT OF THE
200 SENATORS INSTEAD OF THE SECOND DEGREE
ELECTIONS EARLIER CONTEMPLATED. (PRECISELY
HOW THESE CORPORATE ELECTORATES WILL BE ORGANIZED
REMAINS UNCLEAR, PERHAPS ALSO A SUBJECT FOR THE
ELECTORAL LAW). WHILE FRANCO'S FORTY PRESUMABLY REMAIN.
THE KING'S TWENTY FIVE APPOINTED SENATORS WILL DILUTE
THEIR INFLUENCE. GIVEN A SYSTEM WHERE CORPORATE BODIES
DESIGNATE CANDIDATES, THE NASCENT POLITICAL PARTIES WILL
FACE A PUZZLING TASK IN GETTING THEIR CANDIDATES ON

THE SENATE BALLOT, AND THIS PROVISION WILL SURELY PROVOKE
CRITICISM. THE BRIEF ANNOUNCEMENT OF THE PROPOSAL
FOR AN ECONOMIC AND SOCIAL COUNCIL AND PRECEPTS FOR FREEDOM
OF LABOR AND MANAGEMENT ASSOCIATION COULD MARK A SUBTLE BUT
IMPORTANT STEP IN THE EVOLUTION AWAY FROM FRANCO ERA.
UNITARY SYNDICAL STRUCTURE AND TOWARDS A
PLURALIST LABOR STRUCTURE. UNTIL WE EXAMINE FINAL
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TEXTS, DISCUSS IMPLICATIONS, SAMPLE
REACTION AND FIND OUT HOW MUCH WILL BE LEFT TO
LATER LEGISLATURE (E.G. THE ELECTORAL LAW) WE
PREFER TO STAY AWAY FROM MORE SPECULATIVE ANALYSIS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, TEXT, CONSTITUTIONAL AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 MAY 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MADRID03626
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760178-0712
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760577/aaaacnxe.tel
Line Count: 159
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 MADRID 3583
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 31 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31 MAR 2004 by CollinP0>; APPROVED <31 MAR 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOVT SEND DRAFT CONSTITUTIONAL CHANGES TO CORTES
TAGS: PINT, PGOV, SP
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006